

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1234 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-7-2-1.7 IS ADDED TO THE INDIANA CODE
- 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2008]: Sec. 1.7. "Adult", for purposes of IC 12-14-31, means an
- 6 individual who:
- 7 (1) is at least eighteen (18) years of age;
- 8 (2) applies for or receives assistance under the TANF
- 9 program or the food stamp program; and
- 10 (3) is a parent, legal guardian, or custodian of a child for
- 11 whom education is compulsory under IC 20-33-2.
- 12 SECTION 2. IC 12-7-2-28, AS AMENDED BY P.L.145-2006,
- 13 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2008]: Sec. 28. "Child" means the following:
- 15 (1) For purposes of **IC 12-14-31 and** IC 12-17.2, an individual
- 16 who is less than eighteen (18) years of age.
- 17 (2) For purposes of IC 12-26, the meaning set forth in
- 18 IC 31-9-2-13(d).
- 19 SECTION 3. IC 12-7-2-72 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 72. "Drug abuse", for
- 21 purposes of **IC 12-14-30 and** IC 12-23, means:
- 22 (1) psychological or physical dependence on the effect of drugs
- 23 or harmful substances; or
- 24 (2) abuse of the use of drugs or harmful substances;

that is harmful to the individual or society.

SECTION 4. IC 12-7-2-87.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 87.9. "Food stamp program", for purposes of IC 12-14-30 and IC 12-14-31, means the federal Food Stamp Program under 7 U.S.C. 2011 et seq.**

SECTION 5. IC 12-7-2-169.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 169.9. (a) "School", for purposes of IC 12-14-2-23, has the meaning set forth in IC 12-14-2-23(b).

(b) "School", for purposes of IC 12-14-31, means a:

(1) public school (as defined in IC 20-18-2-15); and

(2) nonpublic school that has voluntarily become accredited under IC 20-19-2-8.

SECTION 6. IC 12-8-1-13, AS AMENDED BY P.L.161-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) Subject to the appropriation limits established by the state's biennial budget for the office of the secretary and its divisions, and after assistance, including assistance under TANF (IC 12-14), medical assistance (IC 12-15), and food stamps (7 U.S.C. 2016(i)), is distributed to persons eligible to receive assistance, the secretary may adopt rules under IC 4-22-2 to offer programs on a pilot or statewide basis to encourage recipients of assistance under IC 12-14 to become self-sufficient and discontinue dependence on public assistance programs. Programs offered under this subsection may do the following:

(1) Develop welfare-to-work programs.

(2) Develop home child care training programs that will enable recipients to work by providing child care for other recipients.

(3) Provide case management and supportive services.

(4) Develop a system to provide for public service opportunities for recipients.

(5) Provide plans to implement the personal responsibility agreement under IC 12-14-2-21.

(6) Develop programs to implement the school attendance requirement under ~~IC 12-14-2-17~~; **IC 12-14-31**.

(7) Provide funds for county planning council activities under IC 12-14-22-13 (repealed).

(8) Provide that a recipient may earn up to the federal income poverty level (as defined in IC 12-15-2-1) before assistance under this title is reduced or eliminated.

(9) Provide for child care assistance, with the recipient paying fifty percent (50%) of the local market rate as established under 45 CFR 256 for child care.

(10) Provide for medical care assistance under IC 12-15, if the recipient's employer does not offer the recipient health care

coverage.

(b) If the secretary offers a program described in subsection (a), the secretary shall annually report the results and other relevant data regarding the program to the legislative council in an electronic format under IC 5-14-6.

SECTION 7. IC 12-14-2-18, AS AMENDED BY P.L.161-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~(a) A recipient or dependent child who fails to meet the requirements of section 17 of this chapter is subject to the revocation or suspension of assistance as provided under rules adopted by the division:~~

~~(b)~~ A TANF recipient or applicant who refuses to participate in an employment opportunity or a job training opportunity offered to the recipient or applicant under IC 12-8-12 is subject to sanctions established by the director under IC 12-8-12-6(2).

SECTION 8. IC 12-14-30 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 30. Drug Testing Under the Temporary Assistance for Needy Families Program and the Food Stamp Program

Sec. 1. This chapter applies to the following:

(1) Each individual eligible for assistance under the TANF program or the food stamp program who:

(A) is at least eighteen (18) years of age; and

(B) applies for or receives assistance under the TANF program or the food stamp program.

(2) Each individual who:

(A) resides with an individual described in subdivision (1); and

(B) is at least eighteen (18) years of age.

Sec. 2. (a) The division shall establish a random drug abuse testing program, participation in which is a condition for individuals applying for or receiving assistance under the TANF program or the food stamp program.

(b) The division shall develop and implement a drug abuse testing program under this chapter that includes the following:

(1) Beginning July 1, 2008, testing of randomly selected individuals under the TANF program and the food stamp program.

(2) A urinalysis test.

(3) An appeals process for individuals.

(c) A county office may administer additional drug tests to an individual who is eligible for assistance under the TANF program or the food stamp program if the individual:

(1) is arrested or indicted on charges involving the illegal use of a controlled substance;

(2) is under investigation by the county office or a prosecuting

attorney's office for alleged child abuse or neglect;
 (3) commits an act or omission that is grounds for revoking the individual's assistance under the TANF program or the food stamp program according to a rule adopted by the division under IC 4-22-2; or
 (4) tests positive for illegal drugs under section 3 of this chapter.

Sec. 3. (a) If an individual who is tested for drugs under this chapter:

(1) tests positive for the presence in the individual's body of a:
 (A) controlled substance (as defined in IC 35-48-1-9); or
 (B) legend drug (as defined in IC 16-18-2-199); and
 (2) does not possess a valid prescription for the controlled substance or legend drug;

the individual is ineligible to receive assistance under the TANF program or the food stamp program.

(b) An individual who refuses to take a drug test required under this chapter without good cause is ineligible to receive assistance under the TANF program or the food stamp program.

Sec. 4. An individual tested under this chapter is not considered to have tested positive for the presence of a controlled substance or legend drug in the individual's body until the sample obtained from the original test has been retested to rule out a false positive.

Sec. 5. (a) An individual who is ineligible to receive assistance under section 3 of this chapter or subsection (c) may reapply for assistance under the TANF program or the food stamp program on the earlier of:

(1) six (6) months after the date the individual tested positive for illegal drugs under section 3 of this chapter or subsection (c); or
 (2) the date the individual complies with and completes a drug abuse assessment or treatment plan.

(b) An individual who reapplies for assistance under subsection (a) shall take a drug test before the individual may be eligible for assistance under the TANF program or the food stamp program.

(c) If an individual who is tested under subsection (b):

(1) tests positive for the presence in the individual's body of a:
 (A) controlled substance (as defined in IC 35-48-1-9); or
 (B) legend drug (as defined in IC 16-18-2-199); and
 (2) does not possess a valid prescription for the controlled substance or legend drug;

the individual is ineligible to receive assistance under the TANF program or the food stamp program.

Sec. 6. A dependent child's eligibility for assistance under the TANF program or the food stamp program is not affected by this chapter.

Sec. 7. A county office may contract with a private or public

entity or an individual to perform the drug tests required under this chapter.

Sec. 8. The division may adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 9. IC 12-14-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 31. School Attendance Requirements Under the Temporary Assistance for Needy Families Program and the Food Stamp Program

Sec. 1. This chapter applies to a family that includes the following:

(1) A member of the family who has applied for or receives assistance under the TANF program or the food stamp program.

(2) A child for whom education is compulsory under IC 20-33-2 and who resides in the family home.

Sec. 2. (a) A family may not receive assistance under the TANF program or the food stamp program unless an adult provides written consent under subsection (b) for the release of school attendance records for a child who:

(1) resides in the family home; and

(2) is required to attend school under IC 20-33-2.

(b) The written consent required by subsection (a) must include the following:

(1) The name of the child who resides in the family home.

(2) The name of the school the child attends or will attend. If the child does not attend a school, the written consent must include a statement that the child is provided instruction at a place other than a school.

(3) A statement authorizing the release of the school attendance records of the child if the child attends a school.

(4) The signature of the adult.

(5) Any other information necessary to obtain the school attendance records of the child as determined by the division.

Sec. 3. The division shall send the following to the principal (as defined in IC 20-18-2-14) of a school listed on a written consent:

(1) A list of the children who:

(A) attend the school or will attend the school according to the division's records; and

(B) reside in the family home of a family that receives assistance under the TANF program or the food stamp program.

(2) A copy of the written consent described in section 2(b) of this chapter for each child described in subdivision (1).

(3) A statement to the principal that the principal is required to provide the following:

(A) Notice to the division if a child on the list provided under subdivision (1) is designated as a habitual truant as defined by the governing body of the school corporation under IC 20-33-2-11(b).

(B) A copy of school attendance records of a child on the list provided under subdivision (1) upon the request of the division.

(C) Notice to the division if a child on the list provided under subdivision (1):

(i) does not attend the school; or

(ii) withdraws from the school.

Sec. 4. (a) If a child has been designated a habitual truant, the division shall:

(1) review the child's school attendance records with the adult; and

(2) request the adult who signed the written consent under section 2 of this chapter to show good cause for the child's failure to attend school.

(b) To determine whether the adult shows good cause for the child's failure to attend school, the division shall consider whether the following circumstances exist:

(1) The child is:

(A) a minor parent; and

(B) the caretaker;

of a child less than twelve (12) weeks old.

(2) The child:

(A) is a minor parent;

(B) requires child care services for the minor parent's child; and

(C) does not have child care available.

(3) The child is prohibited from attending school and an expulsion is pending.

(4) The child failed to attend school for one (1) or more of the following reasons as determined by the division:

(A) Illness, injury, or incapacity of the child or the minor parent's child.

(B) Court required appearances or temporary incarceration.

(C) Medical or dental appointments for the child or the minor parent's child.

(D) Death of a close relative.

(E) Observance of a religious holiday.

(F) Family emergency.

(G) Breakdown in transportation.

(H) Suspension of the child.

(I) Any other circumstances beyond control of the child or the adult.

1 **Sec. 5. If an adult is unable to show good cause under section 4**
 2 **of this chapter for a child's failure to attend school, the division**
 3 **shall provide written notice to the adult that notifies the adult of**
 4 **the following:**

5 (1) The adult has thirty (30) days to improve the child's school
 6 attendance.

7 (2) If the adult fails to improve the child's school attendance,
 8 the family shall be sanctioned as described in section 6 of this
 9 chapter.

10 (3) If the child is designated for a second or subsequent time
 11 as a habitual truant within the same school year (as defined in
 12 IC 20-18-2-17) that the adult receives the notice under this
 13 section, the family shall be sanctioned as described in section
 14 7 of this chapter.

15 **Sec. 6. (a) If an adult fails to improve a child's school attendance**
 16 **within thirty (30) days as set forth in section 5 of this chapter, the**
 17 **division shall:**

18 (1) sanction the family by reducing for sixty (60) days the
 19 amount of the family's assistance under the TANF program
 20 and the food stamp program by fifty percent (50%); and

21 (2) provide notice to the family that:

22 (A) the family has been sanctioned for sixty (60) days in the
 23 amount of fifty percent (50%) of the assistance the family
 24 receives under the TANF program and the food stamp
 25 program; and

26 (B) if the adult fails to improve the child's school
 27 attendance within sixty (60) days after receipt of the notice
 28 under this section, the family will be ineligible for
 29 assistance under the TANF program and the food stamp
 30 program for six (6) months.

31 (b) If an adult fails to improve a child's school attendance within
 32 sixty (60) days after the date the adult receives the notice under
 33 subsection (a), the family is ineligible for assistance under the
 34 TANF program and the food stamp program for six (6) months.

35 **Sec. 7. If:**

36 (1) an adult receives a notice under section 5 of this chapter;

37 (2) the adult improves the child's attendance;

38 (3) after the improvement in attendance described in
 39 subdivision (2), the child is designated a habitual truant for a
 40 second or subsequent time within the same school year (as
 41 defined in IC 20-18-2-17) that the adult receives the notice
 42 under section 5 of this chapter; and

43 (4) the adult is unable to show good cause for the child's
 44 failure to attend school;

45 the family is ineligible for assistance under the TANF program and
 46 the food stamp program for six (6) months.

47 **Sec. 8. (a) If a family is ineligible for assistance under section**

6(b) or 7 of this chapter, a family member may apply for assistance under the TANF program or the food stamp program after the six (6) month period of ineligibility.

(b) If a family member applies for assistance under the TANF program or the food stamp program after a six (6) month period of ineligibility under section 6 or 7 of this chapter, the division shall request and review the school records of a child residing in the family home before approving a member of the family for assistance under the TANF program or the food stamp program.

(c) If school attendance of the child does not improve, the family is ineligible for assistance under the TANF program and the food stamp program for an additional six (6) months.

Sec. 9. The division may adopt rules under IC 4-22-2 necessary to implement this chapter.

SECTION 10. IC 12-15-2-0.5, AS AMENDED BY P.L.161-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

- (1) under sections 13 through 16 of this chapter;
- (2) under section 6 of this chapter when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or
- (3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

- (1) IC 12-8-1-13.
- (2) IC 12-14-1-1.
- (3) IC 12-14-1-1.5.
- (4) IC 12-14-2-5.1.
- (5) IC 12-14-2-5.2.
- (6) IC 12-14-2-5.3.
- ~~(7) IC 12-14-2-17.~~
- ~~(8)~~ (7) IC 12-14-2-18.
- ~~(9)~~ (8) IC 12-14-2-20.
- ~~(10)~~ (9) IC 12-14-2-21.
- ~~(11)~~ (10) IC 12-14-2-24.
- ~~(12)~~ (11) IC 12-14-2-25.
- ~~(13)~~ (12) IC 12-14-2-26.
- ~~(14)~~ (13) IC 12-14-2.5.
- ~~(15)~~ (14) IC 12-14-5.5.
- (15) IC 12-14-31.**
- (16) Section 21 of this chapter.
- ~~(17) IC 12-15-5-3."~~

Page 2, after line 22, begin a new paragraph and insert:

1 "SECTION 13. IC 20-33-2-48 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2008]: **Sec. 48. A principal who receives the**
4 **information listed in IC 12-14-31-3 from the division of family**
5 **resources shall provide the following to the division of family**
6 **resources:**

7 (1) Notice if a child on the list provided under IC 12-14-31-3
8 is designated as a habitual truant under the definition of
9 habitual truant established by the governing body under
10 section 11(b) of this chapter.

11 (2) A copy of the school attendance records of a child on the
12 list provided under IC 12-14-31-3 upon the request of the
13 division of family resources.

14 SECTION 14. IC 12-14-2-17 IS REPEALED [EFFECTIVE JULY
15 1, 2008].".

16 Renumber all SECTIONS consecutively.

(Reference is to HB 1234 as printed January 25, 2008.)

Representative Hinkle